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C O N F I D E N T I A L SECTION 01 OF 04 COLOMBO 000481

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DEPARTMENT FOR SCA/INS

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TAGS: PGOV PHUM PREL KDEM MV

SUBJECT: MALDIVES: GOVERNMENT AND OPPOSITION NEGOTIATE ON

REFORM

REF: A) COLOMBO 455 B) COLOMBO 429 C) 2006 COLOMBO 1910

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4 (b, d).

¶11. (C) SUMMARY: Ibrahim Hussein Zaki, the acting President of the opposition Maldivian Democratic Party (MDP), met the Ambassador in Colombo on March 20 to offer an update on the ongoing talks between his party and the governing DRP (Maldivian People's Party). The two parties meet regularly and cover: Track 1, constitutional reform; Track 2, legislative cooperation; and Track 3, creating a political atmosphere conducive to democratization (ref B). While both sides have agreed on a number of measures so far, Zaki worried that Tracks 2 and 3 may be stalling, and requested international pressure on the DRP to urge continued cooperation between the parties. The Ambassador promised to contact the government to express support for further negotiations, and followed up by writing to Foreign Minister Ahmed Shaheed. Shaheed responded that his government remains open to inputs from the MDP on constitutional reform, but will not address Track 3 demands such as overturning criminal convictions of MDP activists. Zaki also noted that his party's internal leadership election is scheduled for June 2, and he plans to run for the presidency and ask Mariya Ahmed Didi, a recipient of the Secretary's International Woman of Courage Award, to be his running mate as the vice presidential candidate. End summary.

TRACK 1 TALKS:
CONSTITUTIONAL REFORM POSSIBLE?

¶12. (C) Ibrahim Hussein Zaki, acting President of the opposition Maldivian Democratic Party (MDP), called on Ambassador in Colombo on March 20. Zaki, who has charges pending against him based on anti-government comments in the lead-up to a planned rally in fall 2006 (ref C), was not allowed to leave Maldives at the end of February. An MDP member told PolOff that the Attorney General intervened on Zaki's behalf to grant him permission to leave the country.

Zaki gave the Ambassador documents outlining the cooperation to date between the MDP and the ruling DRP (Maldivian People's Party) based on ongoing cross-party talks.

¶13. (SBU) President Gayoom initiated the talks in February 2007 in his capacity as DRP party leader by sending an invitation to the MDP to meet and discuss constitutional reforms. The MDP sought to widen the scope of the talks. Negotiating teams from each side have been meeting regularly in Male' since February 15 to discuss three different sets of issues. Track 1 covers constitutional reform; Track 2, legislative cooperation to pass bills in parliament,: and Track 3, building an environment conducive to democratization.

¶14. (C) For Track 1, the DRP's negotiating team includes the reformist Foreign Minister and Attorney General, as well as the hard-line Home Affairs Minister Ahmed Thasmeen Ali, Higher Education Minister Abdulla Yameen (the President's brother), and Health Minister Ilyas Ibrahim (the President's brother-in-law). During a meeting with the DCM in Male' on February 28, Foreign Minister Ahmed Shaheed said he had urged President Gayoom to field a team of "decision-makers" so the opposition could not complain that the reformists acting alone did not have the authority to commit the government to action. DRP parliamentary group leader Aneesa Ahmed is her party's lead negotiator; she is on the DRP teams for each of the three tracks. The MDP Track 1 team includes party chair Mohamed Nasheed and several parliamentarians from the Special Majlis (the expanded legislature convened to draft a new constitution).

¶15. (SBU) Negotiations on Track 1 yielded agreements to hold

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a national referendum on a parliamentary versus presidential system of government, lower the voting age from 21 to 18, and appoint a working group with one representative from each party and an international expert to draft a constitution and present it to the parties for comment. Both sides agreed to invite UNDP-sponsored Canadian constitutional scholar Douglas Schmeiser, currently in Maldives advising the Special Majlis under a grant from the UN Development Program.

¶16. (C) When the DCM met with him in Male' March 1, Schmeiser said, "The present constitution of the Maldives is, beyond doubt, the worst in the world." Schmeiser said that although he was hired to advise the Special Majlis, he was frustrated by the lack of direction, the lackadaisical attitude of the staff assigned to him, and the short-term political maneuvering of both parties. He said he was drafting the constitution himself, and had already written sections covering the judiciary, the legislature, human rights, and property law. Unfortunately, according to March 21 press reports, the chair of the Special Majlis drafting committee did not release Schmeiser from his duties in order to allow him to take part in the three-person working group, so the panel failed to meet.

TRACK 2:
LEGISLATIVE COOPERATION SOMEWHAT SUCCESSFUL

¶17. (SBU) The DRP's Track 2 team includes parliamentarians, the Minister of State for Foreign Affairs, and hard-line Health Minister Ilyas (who the opposition says has failed to attend a single meeting). The MDP's delegation primarily consists of parliamentarians, including Mariya Ahmed Didi (a recipient of the Secretary of State's International Woman of Courage Award). The Track 2 groups instituted twice weekly meetings, and have agreed to cooperate on 19 pieces of legislation. These include the new penal code as drafted by American law Professor Paul Robinson with UNDP funding, a criminal code, and bills on evidence, police procedure, parole, elections, media freedom, broadcasting, and political parties, among others. On March 14, the parties discussed

the criminal procedure bill and forwarded proposed changes to the Attorney General's office with a request the office re-draft the bill in accordance with their joint recommendations.

TRACK 3:
UNABLE TO AGREE ON "ENVIRONMENT FOR REFORM"

¶8. (SBU) The opposition reports that DRP lead negotiator Aneesa Ahmed, along with Home Minister Ali and Foreign Minister Shaheed, appointed to the Track 3 team, have all been absent from every meeting. The Attorney General attended one meeting on March 7, and the Finance Minister and Justice Minister have attended more regularly, according to the opposition's briefing packet. The MDP team consists of Ibrahim Hussein Zaki, members of the MDP shadow cabinet, and two parliamentarians.

¶9. (SBU) Track 3 discussions have covered the Police Integrity Commission (PIC), freedom of assembly, and an MDP insistence that political prisoners be released and some court cases against party activists be dropped. The parties have agreed that a "technical team" with representatives from the parties, Attorney General's Office, and police, can determine the mandate and composition of the PIC. However, the cases against MDP activists are proving to be a sticking point in the negotiations. On March 21, DRP lead negotiator Aneesa Ahmed told the press in an interview that the DRP "does not accept the MDP's contention that (MDP detainees) are prisoners of conscience or political prisoners. They are common criminals." In the same interview, Ahmed noted that

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she and the DRP negotiating teams only represent a political party and therefore cannot commit the government to particular courses of action.

MDP SEEKS INTERNATIONAL MEDIATION

¶10. (C) The Ambassador told Zaki the U.S. was pleased with the level of cross-party cooperation so far, and he hoped it would yield more speedy reforms. Zaki responded that only international mediation would force the DRP to honor its commitments. He said he had met with the Foreign and Commonwealth Office in London and sought an observer for the talks. He expressed hope that High Commissions in Colombo, preferably the British, could send diplomats to Male' to facilitate the discussions. He asked for international support for continued cooperation. Shortly after meeting with Zaki, the Ambassador wrote to Foreign Minister Shaheed to urge further dialogue.

¶11. (C) In a March 21 reply, Shaheed offered assurances that the DRP remains committed to dialogue with the MDP. Shaheed said his government prioritizes constitutional change and expressed worry that without a complete revision, the planned 2008 election would not be a multi-party, free, and fair event. He said the MDP is making unreasonable demands in Track 3, such as asking that the government release all MDP activists serving criminal sentences and insisting that the President announce the date he will leave office. Shaheed said that while the DRP needs a reminder that it should be inclusive in planning reforms, the international community should urge the MDP to engage constructively rather than undertake a "witch hunt." The Ambassador wrote to Zaki expressing hope that the two sides could reach compromise on Track 3 and ultimately implement systemic reforms to benefit all Maldivians, a goal that should outweigh short-term political considerations.

DIDI MAY RUN FOR PARTY VICE PRESIDENCY

¶12. (C) During the meeting with the Ambassador, Zaki also

reported that the MDP will have a congress June 2 to elect the party president. Zaki has been acting party president for the last 10 months, since the resignation of the first elected president, Ibrahim Ismail, over a personality conflict with party chair Mohamed Nasheed. Zaki said he would ask Mariya Ahmed Didi to campaign with him as his vice presidential candidate. The June party congress will have a one member, one vote system. Zaki claimed that the MDP has just over 30,000 active members, equivalent to ten percent of the Maldivian population.

COMMENT

¶13. (C) The level of engagement between the DRP and MDP is encouraging, especially on "Track 2." Currently, 22 reform bills are pending, with some mired in committee and others introduced but never discussed. If the two sides manage to build consensus outside of the legislature, many of these may actually pass in parliament. Nevertheless, the road ahead remains bumpy. Clearly, the MDP sees the talks as an opportunity to press further demands on the government, and it has moved the goalposts several times in the past. Still, it is a fair request to ask that the government release party members who were tried and sentenced under spurious "disobedience to order" charges. While the MDP lacks political maturity, a major reason it has failed to develop as a party is the government's heavy-handed tactics, such as detaining party leaders and activists and charging them with vague offenses.

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¶14. (C) For the government's part, the high-level negotiating team for Track 1 demonstrates strong commitment to constitutional reform, undercutting MDP complaints of insincerity. That said, however, Aneesa Ahmed is disingenuous in claiming the delegates represent the party and not the government. The DRP has made few efforts to establish itself as a functioning political party, and its factions remain united only by the party leader, President Gayoom. Furthermore, each DRP delegate is a well-established government official; the Justice Minister or Attorney General should have the authority to address the issue of political prisoners. Numerous cases, many cited in our annual country report on human rights, bear all the hallmarks of politically motivated prosecutions. Maldives still has a long way to go before multi-party democracy and human rights protections are fully entrenched. We believe the country is moving in the right direction, albeit slowly. Continued cooperation between the government and major opposition party is an encouraging sign. We will continue to do our best to help foster it. End comment.

BLAKE